

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.3.433 pertaining to)	AMENDMENT
designated surveillance area)	
)	NO PUBLIC HEARING
)	CONTEMPLATED
)	

1. On, May 25, 2012, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on, May 15, 2012 to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.3.433 DESIGNATED SURVEILLANCE AREA (1) through (1)(c) remain the same.

(d) Beaverhead County – from Madison-Beaverhead County line, south of Sweetwater Road to East Bench Road near Dillon, then south of East Bench Road to White Lane, then South of White lane to Blacktail Road, then ~~East South of Blacktail Road to North Valley Road then north and east of North Valley Road to Stibel Lane, then east of Stibel Lane, which becomes Price Lane, to South Valley Road, then south of South Valley Road to Price Peet Road, then east of Price Peet Road~~ Highway 91, then West of Highway 91 to Interstate 15 business loop, then South of Interstate 15 business loop to Interstate 15, then East of Interstate 15 to the Montana/Idaho border.

AUTH: 81-2-102, 81-2-103, 81-2-104, MCA

IMP: 82-2-101, 81-2-102, 81-2-103, 81-2-104, 81-2-105, 81-2-110, 81-2-111, MCA

REASON: A recent elk study in the southern Blacktail range near Sage Creek ~~Ruby Range and Snowcrest range~~ (outside of the current Designated Surveillance Area), by the Montana Department of Fish, Wildlife and Parks (FWP) revealed a significant number of brucellosis exposed elk. Due to the potential of Brucella exposure to livestock, and to help to protect Montana livestock producers, and its trading partners from the introduction of potentially infected livestock it is

necessary to include cattle operations that overlap with the range of these elk in the Designated Surveillance Area.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to ~~trich~~trich-dsa-comments@mt.gov to be received no later than 5:00 p.m., May 15, 2012.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. May 15, 2012.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected have been determined to be more than 25, based upon the population of the state.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ George H. Harris
George H. Harris
Rule Reviewer

Certified to the Secretary of State April 2, 2012.